



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,699	08/31/2001	Jonathan Blackwell	0655/62869	2132

7590 07/12/2005

Richard F. Jaworski  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, NY 10036

EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/944,699

Applicant(s)

BLACKWELL ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**RESPONSE TO RCE**

1. Claims 1-20 remain for further examination.

**The new grounds of rejection**

2. Applicants' arguments with respect to claims 1-20 filed on April 11, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

**Drawings**

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

**Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pepe et al (U.S. Patent No. 5,742,905). Pepe's patent meets all the limitations for claims 1-20, recited in the claimed invention.

Art Unit: 2155

6. As to claim 1, Pepe et al teaches a method of sending, receiving, and managing messaging data through a shell interface to a computer operating system of a computer, the shell interface containing logical and virtual references to components on the computer (figures 1-3; and column 5 line 28 to column 7 line 15; and column 34 lines 9-16), comprising: installing a messaging component into the shell interface; displaying at least one messaging entry through the shell interface, the displayed messaging entry identifying received faxes, voicemails and/or pager messages; and invoking an appropriate communication service for accessing a selected one of the received faxes, voicemails and pager messages, wherein the selected message is selected through the shell interface (figure 3-4 and 28-31; column 6 line 52 to column 8 line 53; and column 34 lines 10-58).

7. As to claims 2-4, Pepe et al teaches that displaying a second messaging entry through the shell interface, wherein the second messaging entry identifies sent and outgoing faxes, voicemails and/or pager messages and provides contact data (figure 29; and column 34 lines 22-33).

8. As to claims 5-9, Pepe et al teaches that the messaging component installs a messaging shell namespace; and adds a compose message user interface accessible through the shell interface, a status monitor user interface accessible through the shell interface, and a messaging properties user interface accessible through the shell interface for managing mailboxes (figures 1-3 and 6-7; column 5 line 28 to column 7 line

Art Unit: 2155

15; and column 11 line 55 to column 15 line 14), wherein the user interface provides means for viewing and changing settings for the mailboxes (column 6 lines 1-51; column 7 lines 4-15; and also see columns 34-36).

9. As to claims 10-12, Pepe et al teaches that the communication service includes a voice message viewer, a pager message viewer, a fax message viewer (figures 30-35; and column 34 line 34 to column 35 line 26).

10. As to claim 13, Pepe et al teaches that the messaging component is maintained in a dynamic link library (PCI database) (figure 2 and 6; column 6 lines 20-51; and column 11 line 55 to column 14 line 12).

11. As to claim 14, Pepe et al teaches that the displayed messaging entry shows that a received fax, voicemail and pager message is an attachment to an e-mail message (figures 24-27; and column 33 line 4 to column 34 line 8).

12. As to claims 15-20, they are also rejected for the same reasons set forth to rejecting claims 1-2 above, since claims 15-18 are merely a program product having the program instructions for the method of operation defined in the claims 1-2 and claims 19-20 are merely an apparatus for the method of operation defined in the claims 1-2.

Art Unit: 2155

**Response to Arguments**

13. Applicant's arguments with respect to claims 1-20 filed on April 11, 2005 have been fully considered but they are not deemed to be persuasive for the claims 1-20. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

**Contact Information**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (571) 272-3979. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

Art Unit 2155

June 22, 2005



**BHARAT BAROT  
PRIMARY EXAMINER**